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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,487	01/23/2004	Shu-Ya Chiang	TAIW 208	4927

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EXAMINER

TYLER, NATHAN K

ART UNIT	PAPER NUMBER
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2625

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09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/762,487	CHIANG, SHU-YA
	Examiner	Art Unit
	Nathan K. Tyler	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 May 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

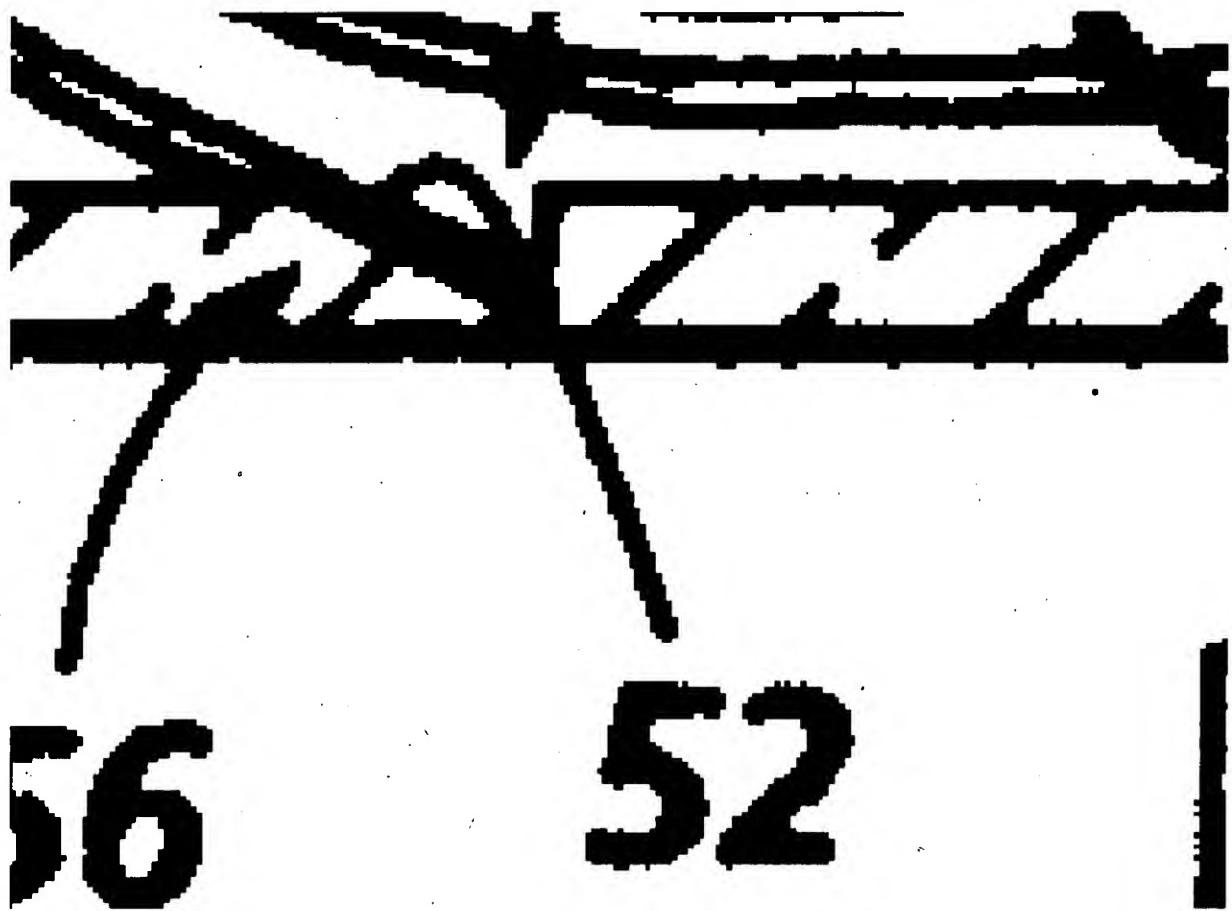
- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see paragraph 2, filed 31 May 2007, with respect to claim 6 have been fully considered and are persuasive. The objection of claim 6 has been withdrawn.
2. Applicant's arguments, see paragraph 4, filed 31 May 2007 have been fully considered but they are not persuasive.

Regarding **Fullerton**, the Applicant argues that the lip 52 shown in Fig. 1 is level or possible above the platen, numeral 12b. Applicant's argument is that the "tiny rounded arc" shown on the lip 52 is level with the surface of the platen. The following is a blown up image of the area of the Figure in question:



In response, the Examiner respectfully disagrees. From this image, it is clear that the “tiny rounded arc” is not a structural component of the apparatus disclosed by Fullerton, it is instead an extension of the line drawn from the numeral “52,” pointing at the attribute to which the numeral 52 has been assigned. Given this understanding, it is clear from the Figure that the lip 52 is below the top edge of the platen 12b. Applicant also argues that lip 52 may extend above the upper edge of the platen 12b, thus halting the forward progress of the lead edge of the document. However, Fullerton states “the lead edge is positively captured by the extending fingers or lip of the lower baffle 52, which is always below or underneath the lead edge of the document in this arrangement” at column 15, line 14.

Regarding the claims, the Applicant argues, "the side of the opening corresponding to the paper-feeding path is lower than the surface of the flatbed glass." This is shown in applicant's Fig. 2. However, there appears to be no patentable difference between applicant's Fig. 2, and the blown-up Figure of Fullerton shown above, which also shows the opening of the paper-feeding path being lower than the surface of the platen.

Regarding claims 2-13, the Applicant has not given any specific reasons these claims are allowable over the prior art, other than their dependence from base claims that Applicant believes are allowable, and the Examiner maintains the rejections for these claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 5, 6, 8, 10, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fullerton et al. (US 5339139 A).

Regarding **claim 1**, Fullerton discloses a case having a containing space (see Figure; "platen portions 12a and 12b are preferably closely adjacent one another and in the same plane

and utilize the same frame mounting and/or alignment system." at column 8, line 54); a media feeder, mounted on upper side of said case for transferring said media (Figure, numeral 10: "document handler"); a data-fetching unit, mounted inside said containing space of said case for scanning said media (Figure, numeral 14: "raster input scanner"); and a flatbed glass, mounted on top of said data-fetching unit (Figure, numeral 12b: "platen portion"), in an opening formed on said case for mounting said flatbed glass (see above); wherein a side of said opening corresponding to feeding path of said media feeder is lower than an upper surface of said flatbed glass by a predetermined distance so that when said media is transferred by said feeder along said media feeder path, said media smoothly moves on said flatbed glass and passes through said side of said opening (see Figure, numeral 52: "baffle lip"; "This provides a space or groove extending below the upper surface of the platen portion 12b into which a baffle lip or catch 52 may be desirably placed. That is, the baffle lip 52 extends below the upper surface of the platen portion 12b over which documents are being fed." at column 14, line 59).

Regarding **claim 2**, Fullerton discloses a feeding roller for feeding the media (Figure, numeral 37: "feed roller").

Regarding **claim 4**, Fullerton discloses that one side of the media feeder comprises a guide adjacent to the feeding roller for guiding the media moving (see Figure, guide adjacent to feed roller 37 is shown but not numbered).

Regarding **claim 5**, Fullerton discloses that the guide adjacent to the feeding roller is a curvy path (Figure, numeral 25 "document path" is a curvy path; further, if CVT roller 46 is

considered to be the feeding roller, the document path immediately adjacent to roller 46 is curved).

Regarding **claim 6**, Fullerton discloses that the guide comprises a first auxiliary roller that is correspondent to the feeding roller for feeding the media (Figure, numeral 38: "undriven retard roll").

Regarding **claim 8**, Fullerton discloses that the media feeder comprises an ejecting roller corresponding to the feeding roller for transferring the media (Figure, numeral 50: "exit roll").

Regarding **claim 10**, Fullerton discloses that the case comprises a second auxiliary roller corresponding to the ejecting roller for ejecting the media (see Figure, undriven roller adjacent to exit roll 50).

Regarding **claim 12**, Fullerton discloses that the case is formed with a curvy path adjacent to said ejecting roller. (Figure, numeral 25 "document path" is a curvy path; further, if CVT roller 48 is considered to be the ejecting roller, the document path immediately adjacent to roller 48 is curved).

Regarding **claim 13**, Fullerton discloses that the media feeder comprises a motor for driving said media feeder (Figure, numerals M1 and M2: "motors").

Regarding **claim 14**, Fullerton discloses that there is nothing in between an end of said flatbed glass, at a point where the predetermined distance is measured, and the side of said opening corresponding to the feeding path (See blow up of Figure above).

Regarding **claim 15** Fullerton discloses that an extension line of the upper surface of said flatbed glass and the side of said opening corresponding to the feeding path meet at an acute angle (See blow up of Figure above, acute angle formed similarly to Applicant's Fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fullerton et al.

Regarding **claim 3**, Fullerton does not disclose that the feeding roller is covered with a rubber layer for a higher friction to the media.

However, Fullerton discloses that the imaging station roller (Figure, numeral 47) is covered with a rubber layer ("the roller 47 may be provided with slightly larger diameter frictional drive surfaces centrally thereof, as by thin elastomer bands, centrally located, around the roller 47." at column 11, line 65).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to cover the feed roller with the same rubber layer used to cover the imaging station roller, so that the feed roller can also provide non-slip document feeding ("where the roller 47 must provide non-slip document feeding, the roller 47 may be provided with slightly larger diameter frictional drive surfaces centrally thereof, as by thin elastomer bands" at column 11, line 64).

Regarding **claim 7**, Fullerton does not disclose that the first auxiliary roller is covered with a rubber layer for a higher friction to the media. (Fullerton does disclose that the surface of this auxiliary roller should present high friction: "Whenever two or more sheets are in the retard nip between the rolls 37 and 38, the wound-up return spring 39 force is strong enough to overcome the (lesser) friction between the plural sheets" at column 10, line 33)

However, Fullerton discloses that the imaging station roller is covered with a rubber layer as shown above.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to cover the auxiliary roller with the same rubber layer used to cover the imaging station roller, to increase the friction presented by the surface of the auxiliary roller, thus increasing the efficiency of the page separation performed by the auxiliary roller ("strong enough to overcome the (lesser) friction between the plural sheets in the nip, to push back upstream the underlying sheets, providing improved separation" at column 10, line 36).

Regarding **claim 9**, Fullerton does not disclose that the ejecting roller is covered with a rubber layer for a higher friction to the media.

However, Fullerton discloses that the imaging station roller is covered with a rubber layer as shown above.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to cover the ejecting roller with the same rubber layer used to cover the imaging station roller, so that the ejecting roller can also provide non-slip document feeding (see grounds for rejection for claim 3).

Regarding **claim 11**, Fullerton does not disclose that the second auxiliary roller is covered with a rubber layer for a higher friction to the media.

However, Fullerton discloses that the imaging station roller is covered with a rubber layer as shown above.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to cover the second auxiliary roller with the same rubber layer used to cover the imaging station roller, so that the second auxiliary roller can also provide non-slip document feeding (see grounds for rejection for claim 3).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan K. Tyler whose telephone number is 571-270-1584. The examiner can normally be reached on M-F 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nathan K Tyler
Examiner
Art Unit 2625

KING Y. POON
SUPERVISORY PATENT EXAMINER